

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF MEMPHIS

January 17, 2006

3:30 P.M. SCHEDULED SESSION

4:25 P.M. MEETING COMMENCED

ROLL CALL: Dedrick Brittenum, Carol Chumney, Edmund Ford, Barbara Swearengen Holt, E. C. Jones, Myron Lowery, Tom Marshall, Scott McCormick, Rickey Peete, Jack Sammons, Brent Taylor and Chairman TaJuan Stout Mitchell
Joe Brown was absent

**THE MEETING WAS CALLED TO ORDER
BY THE SERGEANT-AT-ARMS**

INVOCATION

The meeting was opened with prayer by Pastor Willie H. Lester from Greater Pleasant Hill Missionary Baptist Church. Councilman Marshall and Councilwoman Chumney presented Pastor Lester with a certificate naming him Chaplain of the day.

The original of the ordinances, resolutions and documents relating to each item is filed in the office of Council Records and on microfilm in the office of Records Management, Room 2B-08. The original documents shall control in the event of any conflict between the description in these minutes and the original documents.

14. **RESOLUTION PROCLAIMING THE WEEK OF FEBRUARY 7-14, 2006, “MEMPHIS MARRIAGE WEEK.”**

Held until February 7, 2006

15. **ORDINANCE AMENDING CHAPTER 41, CODE OF ORDINANCES, CITY OF MEMPHIS, SO AS TO UPDATE REGULATIONS FOR WRECKERS AND TOWING OPERATORS WITHIN THE CITY OF MEMPHIS, UP FOR T H I R D AND F I N A L READING.(HELD FROM 10/11; 10/25;11/1; 12/6; 1/03)**

Ordinance No. 5133

Held until February 7, 2006

21. **ORDINANCE AMENDING SECTION 29, SIGNS AND SECTION 30, NONCONFORMITIES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 10/25; 11/1;11/15;12/06; 12/20; 1/03).**

Ordinance No. 5136
Case No. ZTA 05-001cc

Held until February 7, 2006

25. **RESOLUTION APPROVING A STREET/ALLEY CLOSURE LOCATED ON WESLEY DRIVE, BETWEEN PACE ROAD AND FARONIA ROAD, CONTAINING 1.139 ACRES. (HELD FROM 11/01)**

Case No. SAC 05-610

Held until February 7, 2006

27. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE OF DOROTHY PLACE; ± 70 FEET WEST OF BELLEVUE BLVD., CONTAINING 7,492 SQUARE FEET IN THE SINGLE FAMILY RESIDENTIAL (RS-6) DISTRICT. (HELD FROM 12/6; 12/20; 1/03)**

Case No. UV 05-07

Held until February 7, 2006

20. **RESOLUTION AMENDING THE FY2006 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING A PREVIOUS ALLOCATION OF \$123,433.00 FUNDED BY G.O. BONDS GENERAL FROM CRUMPLER-GLOBAL TO SHELBY, PROJECT NUMBER PW01126 TO GLOBAL DRIVE WEST TO HICKORY EAST TO CRUMPLER, PROJECT NUMBER PW01129. RESOLUTION ALSO APPROPRIATES \$1,600,433.00 FUNDED BY G.O. BONDS GENERAL FOR GLOBAL DRIVE WEST TO HICKORY HILL EAST TO CRUMPLER, PROJECT NUMBER PW01129 FOR A CONSTRUCTION CONTRACT WITH CHANCELOR AND SON, INC. (HELD FROM 11/1; 11/15; 12/06)**

Director of Public Works and City Engineer recommends approval

WITHDRAWN

24. **RESOLUTION APPROVING A SUBDIVISION APPEAL LOCATED ON THE NORTHSIDE OF GROVE PARK CIRCLE; BEGINNING 370 FEET WEST OF GROVE PARK, CONTAINING 1.01 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**

Case No. S 05-032

Held until March 21, 2006

CONSENT AGENDA – Items 1 – 4 & #29 & #30 may be acted upon by one motion. SEE PAGE 1801 FOR ROLL CALL

1. **ORDINANCE REZONING THE NORTHEAST CORNER OF LEVI ROAD AND LEECH ROAD, CONTAINING 5.0 ACRES IN THE TOWNHOUSE RESIDENTIAL (R-TH) DISTRICT, UP FOR F I R S T READING.**

Ordinance No. 5153

Case No. Z 05-127

APPROVED, on First reading

2. **ORDINANCE REZONING THE EAST SIDE OF COVINGTON PIKE; +108 FEET SOUTH OF OAK MEADOW AVENUE, CONTAINING 1.84 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT, UP FOR S E C O N D READING.**

Ordinance No. 5151

Case No. Z 05-121

APPROVED, on Second reading

3. **NOTATIONS FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASES WERE HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

- A. Case No. PD 05-370 – MSM PLANNED DEVELOPMENT, AMENDED
- B. Case No. PD 05-379 – FOR PET’S SAKE PLANNED DEVELOPMENT, AMENDED
- C. Case No. S 05-061cc – MACON WAY SUBDIVISION, 1ST ADDITION
- D. Case No. SAC 05-617 - PONTOTOC AVENUE ALLEY
- E. Case No. SAC 05-619 – NORTH MAIN STREET ALLEY
- F. Case No. PD 05-373 –GARROTT’S GLENWOOD PLANNED DEVELOPMENT

Public Hearing Set for February 7, 2006

4. **RESOLUTION APPROVING AN HONORARY STREET NAME CHANGE FOR A SECTION OF RALEIGH-LAGRANGE BETWEEN BARTLETT ROAD AND ELMORE IN HONOR OF MICHAEL MAHAN, TEACHER AND MUSIC DIRECTOR, ON THE 35TH ANNIVERSARY OF HIS SERVICE AT CENTRAL BAPTIST CHURCH AND 30TH ANNIVERSARY AT THE CENTRAL BAPTIST SCHOOL.**

APPROVED

29. **RESOLUTION APPROVING FINAL PLAT OF TOSCANA P.D., FORMERLY AUDUBON PARK PLACE P.D.**

Case No. PD 04-324
Contract No. CR-4995

Resolution approves the final plat located on the south side of Park Avenue, east of Cherry Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

APPROVED

30. **RESOLUTION APPROVING FINAL PLAT OF TRINITY CREEK INDUSTRIAL SUBDIVISION, SECTION A, AMENDED, LOTS 1-6.**

Case No. S 04-084

Resolution approves the final plat located on the east side of Trinity Creek Cove, south of Trinity Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

APPROVED

ROLL CALL CONSENT ITEMS

MOTION: Holt
SECOND: Sammons
AYES: Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
 Brittenum did not cast a vote
 Brown was absent

APPROVED

MLGW FISCAL CONSENT – Items 5 - 13 may be acted upon by one motion

5. **RESOLUTION AWARDDING CONTRACT NO. 11042, FACILITIES LOCATION SERVICES, TO HEALTH CONSULTANTS, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$773,550.00. (HELD FROM 12/20)**

APPROVED, as amended

6. **RESOLUTION AWARDDING CONTRACT NO. 11062, UNDERGROUND CONSTRUCTION, TO A & L UNDERGROUND, INC., IN AN ESTIMATED FUNDED AMOUNT OF \$8,678,497.81. (HELD FROM 12/20)**

APPROVED, as amended

7. **RESOLUTION APPROVING EXPEDITED PROCUREMENT REQUEST FOR CHANGE NO. 5 TO CONTRACT NO. 10803, DATA PROCESSING EQUIPMENT MAINTENANCE, WITH MID-SOUTH COMPUTER SERVICES, IN AN ESTIMATED FUNDED AMOUNT OF \$85,000.00. (THIS RENEWS THE CONTRACT FOR THE FOURTH AND FINAL TERM, 1/1/06 TO 12/31/06, WITH NO INCREASE IN RATES.)**

APPROVED

8. RESOLUTION APPROVING CHANGE NO. 1 TO CONTRACT NO. 10985, MASTER LEASE AND LICENSE AGREEMENT, WITH SKILLSOFT CORPORATION IN THE FUNDED AMOUNT OF \$72,711.35. (THIS EXTENDS THE CONTRACT FOR THE PERIOD 1/1/06 TO 12/31/08.)

APPROVED

9. RESOLUTION APPROVING CHANGE NO. 3 TO CONTRACT NO. 11018, TRASH REMOVAL SERVICES, WITH WASTE CONNECTIONS, INC., IN THE FUNDED AMOUNT OF \$110,213.84. (THIS RENEWS THE CONTRACT FOR THE SECOND TERM, 1/1/06 TO 12/31/06, WITH NO INCREASE IN RATES.)

APPROVED

10. RESOLUTION AWARDDING CONTRACT FOR DIGITAL SIGNAL ZERO EXPANSION SHELF TO GENERAL ELECTRIC COMPANY, IN THE AMOUNT OF \$49,776.00.

APPROVED

11. RESOLUTION AWARDDING CONTRACT FOR #1/0 SOLID SOFT-DRAWN WIRE TO TENNESSEE VALLEY ELECTRIC SUPPLY COMPANY, IN THE AMOUNT OF \$30,330.00.

APPROVED

12. RESOLUTION REQUESTING RATIFICATION OF EMERGENCY PURCHASE ORDER NO. 126597 ISSUED TO COOPER POWER SYSTEMS, INC. FOR CAPACITOR BANK AT SUBSTATION NO. 72, IN THE AMOUNT OF \$59,500.00.

APPROVED

13. RESOLUTION APPROVING CHANGE NO. 2 TO CONTRACT NO. 11020, JANITORIAL SERVICES, WITH KIMCO CORPORATION, IN THE FUNDED AMOUNT OF \$62,188.00. (THIS EXTENDS THE CONTRACT FOR 30 DAYS FOR FURTHER REVIEW OF ANNUAL CONTRACT RENEWAL.)

APPROVED

ROLL CALL MLGW FISCAL CONSENT ITEMS

- MOTION: Marshall
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Marshall, Peete, Sammons and Chairman Mitchell
NAYS: Lowery and McCormick
Taylor did not cast a vote
Brown was absent

APPROVED

28. RESOLUTION HONORING JERRY TATE ON HIS RETIREMENT FROM BROADCAST JOURNALISM.
- MOTION: Jones
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brown was absent

APPROVED

(The City Council presented (5) checks to following organizations in honor of Power of 5 Campaign. MIFA - \$152,027.96, RED CROSS - \$50,075.40, FOOD BANK - \$50,075.40, SALVATION ARMY - \$50,075.40 and ASSOCIATE CATHOLIC CHARITIES - \$50,075.40)

16. **ORDINANCE AMENDING CHAPTER 2, CODE OF ORDINANCES, CITY OF MEMPHIS, SECTIONS 171 THROUGH 176, RELATING TO THE AGING COMMISSION OF THE MID-SOUTH CONCERNING THE AFFAIRS OF SENIOR CITIZENS IN THE CITY OF MEMPHIS AND THE COUNTIES OF FAYETTE, LAUDERDALE, SHELBY AND TIPTON, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5150

MOTION: Marshall
SECOND: Peete
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Taylor and Chairman Mitchell
 Sammons did not cast a vote
 Brown was absent

APPROVED

17. **RESOLUTION AMENDING THE FISCAL YEAR 2006 SPECIAL REVENUE FUND BUDGET BY ACCEPTING AND APPROPRIATING \$80,000.00 IN FEDERAL GRANT FUNDS IN THE DIVISION OF ENGINEERING FOR TRAFFIC ENGINEERING ACTIVITIES.**

City Engineer recommends approval

MOTION: Jones
SECOND: McCormick
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
 Brown was absent

APPROVED

18. **RESOLUTION ACCEPTING TRANSFER OF COUNTRYWOOD PARK BY CONVEYANCE FROM THE SHELBY COUNTY GOVERNMENT AND THE SHELBY COUNTY CONSERVATION BOARD. THE CITY OF MEMPHIS AGREES TO INVEST A MINIMUM OF \$1,000,000.00 IN CAPITAL IMPROVEMENTS TO COUNTRYWOOD PARK, WITHIN (5) YEARS OF THE EXECUTION OF THE QUIT CLAIM DEED.**

MOTION: McCormick
SECOND: Jones
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Sammons, Taylor and Chairman Mitchell
 Peete did not cast a vote
 Brown was absent

APPROVED

19. **RESOLUTION ACCEPTING GRANT FUNDS IN THE AMOUNT OF \$1,479,965.00 FROM US DEPARTMENT OF JUSTICE FOR THE COPS FY 05 TECHNOLOGY GRANT TO PURCHASE RADIO EQUIPMENT, INSTALL FIBER AND BI DIRECTIONAL AMPLIFIERS THROUGHOUT THE CITY OF MEMPHIS. RESOLUTION ALSO AMENDS FY 2006 OPERATING BUDGET TO ESTABLISH AND APPROPRIATE GRANT FUNDS.**

MOTION: Brittenum
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete,

Sammons, Taylor and Chairman Mitchell
Brown was absent

APPROVED

22. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE SOUTHWEST CORNER OF HOLMES ROAD AND SANTA MONICA STREET, CONTAINING 1.384 ACRES IN THE LOCAL COMMERCIAL (C-L) DISTRICT.**
Case No. SUP 05-216

Applicant: Centrak, Inc.
 Allen & Hoshall (Tim Mulrooney) – Representative

Request: Parking Lot

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold

MOTION: Peete
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
 Brown was absent

APPROVED, as amended

23. **RESOLUTION APPROVING A PLANNED DEVELOPMENT LOCATED ON JAMES ROAD AT WOODLAWN TERRACE, CONTAINING 113.20 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S10) DISTRICT.**
Case No. PD 05-377

Chairman Mitchell recognized the following people from the audience:
Dr. Bill Byrne, 2907 N. Watkins, Memphis, TN. 38127
Dr. John McCall, 3209 Cloar Cv., Memphis, TN. 38111
Ceceria L. Nichols, 2325 Clearpark Dr., Memphis, TN. 38127
Blanch Scott, 2892 Vine, Memphis, TN. 38127

Applicant: United Housing
 ETI Corporation – Representative

Request: A residential planned development to create 322 single family detached lots (lot sizes range between 6,000 square feet and approximately 2.5 acres)

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Peete
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
 Brown was absent

APPROVED, as amended

26. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF COTTONWOOD ROAD; +/-225 FEET WEST OF PERKINS ROAD, CONTAINING 1.20 ACRES IN THE SINGLE FAMILY RESIDENTIAL (R-S6) DISTRICT. (HELD FROM 1/03)**
Case No. SUP 05-218

Applicant: Katrina Walker
 Universal Design Group – Samuel turner, III - Representative

Request: Special permit to allow an increase in number of children to one-hundred (100) for a day care center that currently allows a maximum of sixty (60) children

LUCB and OPD recommendation: REJECTION

MOTION: Peete
SECOND: Brittenum
AYES: Brittenum, Ford, Holt, McCormick and Peete
NAYS: Chumney, Jones, Lowery, Marshall, Sammons, Taylor and Chairman Mitchell
Brown was absent

FAILED

31. **RESOLUTION DECLARING THERE WILL BE NO NEW PROPERTY TAX INCREASE FOR FY 2007.**

MOTION: Sammons
SECOND: Jones
AYES: Brittenum, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Chumney abstained
Brown was absent

APPROVED

32. **RESOLUTION AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF CITY OF MEMPHIS, TENNESSEE, GENERAL IMPROVEMENT BONDS, SERIES, 2006A, FOR THE PURPOSE OF RETIRING CERTAIN OUTSTANDING BOND ANTICIPATION NOTES AND GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2006B FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE CITY OF MEMPHIS.**

MOTION: Sammons
SECOND: Holt
AYES: Brittenum, Ford, Holt, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
NAYS: Chumney and Jones
Brown was absent

APPROVED

33. **RESOLUTION RENAMING THE BLUE M OVERSIGHT COMMITTEE TO THE HEALTHCARE OVERSIGHT COMMITTEE, ESTABLISHING MEMBERS AND QUORUM NECESSARY TO CARRY A VOTE.**

MOTION: Brittenum
SECOND: Holt
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brown was absent

APPROVED

(Councilman Marshall made a motion to suspend the rules and add Case No. PD 05-373 to the Agenda, setting a Public Hearing date of February 7, 2006. Special Item #1 was set up for this motion and vote).

(Special Item #1)

MOTION: Marshall
SECOND: Peete
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete,

Sammons, Taylor and Chairman Mitchell
Brown was absent

APPROVED

(Councilman Jones made a motion to reconsider item #23, PD 05-366, from January 3, 2006 Meeting or Send it Back to Committee. The Representatives for this case were present and the Council asked them questions, to determine if this case needed to be reconsidered. After a discussion, it was decided to take a vote for reconsideration. Special Item #2 was set up for this vote).

(Special Item #2)

MOTION: Jones
SECOND: Sammons
AYES: Chumney, Jones, Marshall and Sammons
NAYS: Ford, Holt, Lowery, McCormick, Peete, Taylor and Chairman Mitchell
Brittenum abstained
Brown was absent

(Special Item #2 – FAILED, item#23 was not reconsidered)

MINUTES

Approval of the Minutes of the regular meeting of January 3, 2006 with the following motion:

MOTION: Holt
SECOND: Ford
AYES: Brittenum, Chumney, Ford, Holt, Jones, Lowery, Marshall, McCormick, Peete, Sammons, Taylor and Chairman Mitchell
Brown was absent

APPROVED

INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:

Chairman Mitchell recognized the following person from the audience:
Susan Madonia, 5390 Longwood Dr., Memphis TN. 38134

ADJOURNED MEETING AT 7:25 P.M.

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

C H A I R M A N

Attest:

Deputy Comptroller/Council Records